THE HON'BLE SRI JUSTICE B. SESHASAYANA REDDY

WRIT PETITION NO.12744 OF 2005

Date:02-08-2005

Between:

Vandavasi Krishna Reddy and others …Petitioners

And

The District Collector, Nellore and others ….Respondents

THE HON'BLE SRI JUSTICE B. SESHASAYANA REDDY

WRIT PETITION NO.12744 OF 2005

ORDER:

When the vacate petition has come up for hearing, both the parties have consented for disposal of the writ petition itself and accordingly the writ petition is taken up for hearing and the same being disposed of by this order.

This writ petition is filed assailing the order dated 26-05-2005 passed by the Mandal Revenue Officer-the second respondent.

Based on the representation submitted by the third respondent- Smt. Gummidipudi Munemma, complaining unauthorized encroachment of her site, the second respondent inspected the land-in-question, verified the relevant documents and directed the petitioners to vacate the said land by passing the order impugned in the writ petition.

It is the contention of the petitioners that the third petitioner purchased the land-in-question under registered document dated 19-02-1978.

Heard the learned counsel for the petitioners, the learned Government Pleader for Revenue appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

The dispute between the petitioners and the third respondent is in respect of title over house site admeasuring 450 sq. yards and both of them claimed the land-in-question basing on certain documents. The claim of the petitioners is that the site-in-question has been purchased by the third petitioner and whereas the claim of the third respondent is that the said site has been purchased by her. Therefore, there is a serious dispute with regard to the title over the said site, which is required to be resolved by the Civil Court and not by the second respondent or this Court. Admittedly the land-in-question is not a Government land and the same is a patta land. In these circumstances, the impugned order cannot be sustained and the same is liable to be set aside.

The impugned order dated 26-05-2005 passed under proceedings Rc.B.201/2005 is hereby set aside and the writ petition is accordingly disposed of giving liberty to the parties to establish their right before the Civil Court. No costs.

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(B. SESHASAYANA REDDY, J)

Date:02-08-2005

Note:

Issue CC in one week.

B/o

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